

UNITED STATES DISTRICT COURT

**FILED**  
DISTRICT COURT OF GUAM

for

OCT 19 2006

THE DISTRICT OF GUAM

MARY L.M. MORAN  
CLERK OF COURT

U.S.A. vs. Jay K. Chao Docket No. CR 01-00123-001

**Petition for Action on Conditions of Pretrial Release**

COMES NOW JOHN W. SAN NICOLAS II, pretrial services/probation officer, presenting an official report upon the conduct of defendant Jay K. Chao, who was placed under pretrial release supervision by the Honorable John S. Unipingco, District Judge, sitting in the court at Hagatna, Guam on the 10<sup>th</sup> date of January, 2002 under the following conditions:

Report to DEA as ordered; surrender any passport to: Drug Enforcement Administration; obtain no passport; remain at a fixed address; not leave the Territory of Guam without the prior permission of the Court; refrain from possessing a firearm, destructive device, or other dangerous weapons; refrain from any use of alcohol; refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; upon unsealing of the case, supervision to be turned over to the U.S. Probation Office; and call Task Force Richard Flores at DEA between 10:00 and 11:00 a.m. every Monday, Wednesday, and Friday. **Modified** on January 18, 2002 to include that defendant be placed under the joint supervision of the U.S. Probation Office and the Drug Enforcement Agency while the case is sealed. After the case has become unsealed, then the U.S. Probation Office will assume sole supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short, insert here. If lengthy, write on separate sheet and attach.)

*(See attached Declaration in Support of Petition submitted by  
USPO John W. San Nicolas II)*

PRAYING THAT THE COURT WILL ORDER:

Pursuant to 18 U.S.C. §3148, order that a Warrant of Arrest be issued, ~~and that this matter be set for a hearing, and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just and proper.~~

ORDER OF COURT

I declare under penalty of perjury that the foregoing is true and correct.

Considered and ordered this 11 day of Oct, 2006 and ordered filed and made a part of the records in the above case.

Executed on October 10, 2006

JOHN C. COUGHENOUR\*  
U.S. District Judge/Magistrate Judge  
Designated Judge

JOHN W. SAN NICOLAS II  
U.S. Pretrial Services/Probation Officer  
Placed in U.S. Probation Office, District of Guam

**RECEIVED**

OCT 10 2006

DISTRICT COURT OF GUAM

**ORIGINAL**

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF GUAM**

UNITED STATES OF AMERICA  
Plaintiff,

vs.

JAY K. CHAO,  
Defendant.

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) CRIMINAL CASE NO. 01-00123-001  
)  
)  
)

) **DECLARATION IN SUPPORT OF PETITION**  
)  
)  
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Based on the 9<sup>th</sup> Circuit decision in U.S. v. Vargas-Amaya, the following petition is submitted to the Court in support of a request for the re-issuance of a warrant. A warrant was initially issued on October 27, 2003, when the above-referenced defendant failed to return from approved travel to Taiwan.

I, U.S. Probation Officer John W. San Nicolas II, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of pretrial release for Jay K. Chao, and in that capacity declare as follows:

On January 10, 2002, in a sealed proceeding, Jay K. Chao pleaded guilty to an Indictment which charged him with one count of Importation of Methamphetamine Hydrochloride, in violation of 21 U.S.C. §846 and 952. On the same date, he was released on a personal recognizance bond with various pretrial release conditions. On May 28, 2003, his case was unsealed and sentencing was set for August 27, 2003. Mr. Chao is alleged to have violated the following condition of pretrial release:

**Standard Condition 1:** *The defendant shall abide by the following restrictions on personal association, place of abode, or travel: Remain at a fixed address; Not leave the Territory of Guam without the prior permission of the Court.*

On June 3, 2002, the defendant was authorized by the Court to travel to Taiwan from June 4, 2002 through June 18, 2002, to attend to family matters. DEA Special Agent J.Y. Anderson reported that he last spoke to the defendant in August 2003 and that the defendant stated to him he is presently residing in China. The defendant has failed to return to Guam, in violation of his release conditions.

Declaration in Support of Petition  
Re: CHAO, Jay K.  
USDC Cr. Cs. No. 01-00123-001  
October 2, 2006  
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On October 27, 2003, a petition was filed in the District Court of Guam on Jay K. Chao for failing to return to Guam from Taiwan as required. On that same date, the Court ordered a warrant of arrest for Mr. Chao's appearance at a hearing to answer to the violation.

**Recommendation:** This Probation Officer respectfully prays that the Court re-issue a Warrant of Arrest for Jay K. Chao's appearance at a hearing to determine if his bail should be revoked or modified, in accordance with the provisions of 18 U.S.C. § 3148.

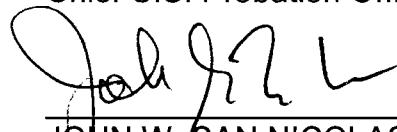
I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Executed this 2nd day of October 2006, at Hagatna, Guam, in conformance with the provisions of 28 U.S.C. § 1746.

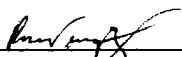
Respectfully Submitted,

FRANK MICHAEL CRUZ  
Chief U.S. Probation Officer

By:

  
\_\_\_\_\_  
JOHN W. SAN NICOLAS II  
U.S. Probation Officer

Reviewed by:

  
\_\_\_\_\_  
ROSSANNA VILLAGOMEZ-AGUON  
U.S. Probation Officer  
Supervision Unit Leader

cc: Karon V. Johnson, AUSA  
Richard Arens, Defense Counsel  
File